

SENATE BILL 1850

By Herron

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 9, Part 1, to regulate event data recorders (EDR) and sensing and diagnostic modules (SDM) in motor vehicles and the use and disclosure of any information stored in or generated by such equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 9, Part 1, is amended by adding the following as a new section:

§ 55-9-109

(a) As used in this section:

(1) "Event data recorder (EDR)" means a feature that is installed by the manufacturer of a new motor vehicle and does one or more of the following, for the purpose of capturing data for retrieval after a crash:

(A) Records vehicle speed or direction;

(B) Records vehicle location data;

(C) Records vehicle steering performance;

(D) Records vehicle brake performance, including whether brakes were applied before a crash;

(E) Records the driver's seatbelt status; or

(F) Has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system when a crash occurs.

(2) "Owner" means a person having all the incidents of ownership, including the legal title to a vehicle whether or not such persons lends, rents, or

creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, provided such agreement at inception is for a period in excess of three (3) months.

(b) A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one (1) or more recording devices commonly referred to as "event data recorders (EDR)," including "sensing and diagnostic modules (SDM)," shall disclose that fact in the owner's manual for the vehicle.

(c) Data described in subdivision (a)(1) that is recorded on an EDR may not be downloaded or otherwise retrieved by a person other than an owner of the motor vehicle at the time the data is accessed, except under one (1) of the following circumstances:

(1) The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;

(2) Upon authority of a court or other judicial or administrative authority having jurisdiction;

(3) For the purpose of improving motor vehicle safety, security or traffic management, including for medical research of the human body's reaction to motor vehicle crashes, and provided that the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this subdivision, the disclosure of the vehicle identification number (VIN) with the last four (4) digits deleted does not constitute the disclosure of the identity of the owner or driver;

(4) The data is retrieved by a licensed new motor vehicle dealer, or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle; or

(5) The data is retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash.

(d) A person, including a service or data processor operating on behalf of such person, authorized to download or otherwise retrieve data from an EDR pursuant to subsection (c)(3) may not release that data, except:

(1) For the purposes of motor vehicle safety and medical research communities to advance motor vehicle safety, security, or traffic management; or

(2) To a data processor solely for the purposes permitted by this subsection, and only if the identity of the owner or driver is not disclosed.

(e)

(1) If a motor vehicle is equipped with an EDR that is capable of recording or transmitting information as described in subsection (a)(1), and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement.

(2) Subsection (c) does not apply to subscription services meeting the requirements of subdivision (1) of this subsection.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it and shall apply to all motor vehicles manufactured on or after July 1, 2006.